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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,457	09/20/2004	David M Emerling	MASLIAC-51	5456

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EXAMINER

BLANKENSHIP, GREGORY A

ART UNIT	PAPER NUMBER
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3612

MAIL DATE	DELIVERY MODE
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03/16/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/711,457	Applicant(s) EMERLING ET AL.	
	Examiner GREGORY BLANKENSHIP	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on board of appeals decision filed 11/23/20.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/20/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 10-13, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Fischer et al. (GB 2336577).

Fischer et al. disclose an automotive visor (10) comprising an expandable polyolefin particle (EPP) core member (52) having an outer surface, as shown in Figures 1 and 3. A polymeric cover layer (54) is molded onto the outer surface of the core member forming an integral sun visor, as shown in Figures 1 and 3. The cover layer may be formed of a variety of materials such as non-woven PET, vinyl sheeting, nylon, and polypropylene. The cover layer is considered formed in place because the fabric is positioned within the mold cavity (124) of first mold half (116) and vacuum pressure is applied to draw the fabric tightly against the mold cavity, as disclosed on lines 1-3 of page 9. The second mold half (118) is then moved toward the first half hold (116) to partially or completely close the mold, and then the fabric is pre-heated to increase the fabric flexibility, as disclosed on lines 6-14 of page 9. The EPP beads for the core (52) are then injected into the mold cavity, as disclosed on lines 17-18 of page 9. Once the molding process is complete, "the mold halves 58,60 with the in-molded skin 54 are removed from the mold", as disclosed on lines 9-10 of page 10. As such the resulting visor body has a cover material bonded to a core member, as disclosed on lines 2-9 of page 2. A support arm (14) is coupled to the core member (52) and

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mounts the visor proximate the windshield of the vehicle, as shown in Figure 1 and disclosed on lines 1-5 of page 5. In reference to claims 2 and 10, the applicants described it was known at the time the applicant's invention to make visors of a relatively harder plastic or cardboard core member with a relatively less hard fabric or leather material wrapped over the core member. Based on the conventional construction of the automobile visors, one having ordinary skill in the art would understand Fischer to inherently, if not explicitly, disclose an exterior fabric (54) having a second harness relatively lower than the first hardness of the core (52). In reference to claims 3 and 11, the core member (52) comprises a first section on the top half (58) and a second section on the bottom half (60), as shown in Figure 3. Each core section has an inner surface that is secured to the inner surface of the other core section in a confronting relationship when installed, as shown in Figure 1. In reference to claim 4, the first and section sections are hingedly coupled together for folding toward said confronting arrangement by a hinge (56), as shown in Figure 2. In reference to claims 5 and 12, the cover layer substantially encapsulates the core member, as shown in Figure 3. In reference to claims 6 and 13, the cover layer is integrally molded on selected areas of the outer surface, as shown in Figure 3. In reference to claim 7, the cover layer is a fabric material so it inherently has a texture that is similar in appearance to fabric.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 8, 9, 14, 15, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer et al. (GB 2336577) in view of Binish (5,720,509).

Fischer et al. disclose an accessory pack (18) that includes a mirror (46) affixed to the core member, as shown in Figure 1 and disclosed on lines 4-10 of page 11. However, Fischer et al. do not disclose integrally molding the accessory with the cover layer.

Binish teaches integrally molding a mirror (25) into the cover layer (23) of a sun visor, as shown in Figures 2 and 6.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to integrally mold the mirror onto the visor with the cover layer of Fischer et al., as taught by Binish, to securely connect the mirror to the sun visor without additional fasteners.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY BLANKENSHIP whose telephone number is (571)272-6656.

The examiner can normally be reached on 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Greg Blankenship/
Examiner, Art Unit 3612
January 21, 2010